

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF PHARMACY
of the State of Kansas,

Plaintiff,

vs.

REBECCA ANN SEAMAN,
License No. ~~10334~~

10658

Defendant.

FINAL ORDER OF PROBATION

The above captioned matter comes before the Board for Formal Hearing this 9th day of April, 1994, at 8:30 A.M. at the Club House Inn, 515 S. Webb, Wichita, Kansas.

The State Board of Pharmacy appears by Hoyt Kerr, Vice-President and Presiding Officer; Charlotte Brock, President; Dana Creitz, Pharmacist; Monte Baugher, Pharmacist; Glen Mathis, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. Defendant, Rebecca Ann Seaman, appears in person.

As a preliminary matter, prior to the Formal Hearing convening, counsel for Plaintiff notes several errors in the dates in the Petition and moves that the Counts indicate April 8, 1993, as the day of the violations,

such corrections are so noted by the Presiding Officer.

Thereupon Formal Hearing proceeded and counsel called the following witnesses, to-wit: Trooper D. Heim and Inspector James Kinderknecht; and introduced exhibits, whereupon counsel for Plaintiff rested. Defendant testified on her own behalf and introduced exhibits.

After hearing a brief statement by Defendant, the Board went into Executive Session for quasi-judicial matters with Charlotte Brock recusing herself.

Upon reconvening, the Presiding Officer for the Board made the following finding of fact and conclusion of law, and imposing sanctions upon Defendant.

1. That based on Defendant's own testimony, the Board finds there is substantial evidence that Defendant did on or about April 8, 1993, have in her possession: Marinol 2.5 mg (dronabinol), 34 dosage units, a C II controlled substance in a prescription vial with the label indicating the prescription was for a Amar Malki, a violation of K.S.A. 65-1626(dd)(5), K.S.A. 65-4127b(a)(3) and (b)(3), 21 U.S.C. 841(a)(1), 21 U.S.C. 843(a)(4) and 21 U.S.C. 353(b)(1)(B)(i).

2. That based on Defendant's own testimony the Board finds there is substantial evidence that Defendant did

on or about April 8, 1993, have in her possession: Fastin 30 mg (phentermine), 8 dosage units in an unlabeled container, a C IV controlled substance, a violation of K.S.A. 65-1626(dd)(5), K.S.A. 65-4127(a)(4) and (b)(4), K.S.A. 65-4121, 21 U.S.C. 841(a)(a), 21 U.S.C. 843(a)(4), 21 U.S.C. 3532(b)(1)(B)(i) and K.A.R. 68-7-14.

3. That based on Defendant's own testimony, the Board finds there is substantial evidence that Defendant did on or about April 8, 1993, have in her possession Parafon Forte OSC (chlorzoxazone), 15 dosage units in an unlabeled container, a prescription only medication, a violation of K.S.A. 65-1626(dd)(5), 21 U.S.C. 353(b)(1)(B)(i) and K.A.R. 68-7-14.

4. That pursuant to K.S.A. 65-1627(a)(3)(5) and (8) the Board has the power to revoke, suspend or place on probation Defendant's license to practice pharmacy.

IT IS THE ORDER OF THE BOARD that the Defendant be:

(A) Placed on probation for a period of three years commencing on the date the Presiding Officer signed the Initial Order.

(B) The conditions of said probation being that the Defendant not violate any laws of the Pharmacy Act or its regulations, and the Controlled Substance Act or

its regulations of the State of Kansas or any other state in which Defendant is licensed and not violate the Federal Food, Drug and Cosmetic Act or its regulations. Any such violation may result in revocation of Defendant's license.

(C) That Defendant, within 30 days of the date of this order take and pass with a score of 75% the Kansas Pharmacy Law Exam at the Board office in Topeka, Kansas.

(D) Pursuant to K.S.A. 65-1627h(a) costs are assessed to Defendant.

Pursuant to K.S.A. 77-526 the Defendant is advised of the following administrative remedies:

(E) The Defendant, Rebecca Ann Seaman, may file a Petition for Reconsideration, Fifteen (15) days after the service of the Final Order on the defendant by the Agency Head, K.S.A. 77-529.

(F) If no Petition for Review by a party or the President, Charlotte Brock is filed, or a Petition for Reconsideration is filed, the Order becomes effective Thirty (30) days after service on the Defendant, K.S.A. 77-530.

(G) The Defendant may submit to the Presiding Officer or Board President a Petition for the Presiding Officer for a stay, pursuant to K.S.A. 77-528 until such time

in which a Petition for Judicial Review would no longer be timely.

(H) The Defendant has Thirty (30) days from the service of the Final Order to file a Petition for Judicial Review, K.S.A. 77-613.

Dated: This 29 day of April, 1994.

Charlotte Brock, President
State Board of Pharmacy of
the State of Kansas

CERTIFICATE OF MAILING

I, Charlotte Brock, President of the State Board of Pharmacy of the State of Kansas, do hereby certify that a copy of the above and foregoing Order was mailed Certified, Return Receipt Requested, First Class postage prepaid, on this 29 day of April, 1994, addressed to the following:

Rebecca Ann Seaman
1205 Picadily
Blue Springs, MO 64014

Charlotte Brock